

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held FEBRUARY 2, 2010**

The Board of Commissioners of the City of Bowling Green, Kentucky met in regular session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on February 2, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Kara Hildebrant of Bowling Green Presbyterian Church, and all present recited the Pledge of Allegiance. Assistant City Clerk Ashley Jackson called the roll, and the following members were present: Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

Mayor Walker welcomed Boy Scout Troop 79 who was in attendance. Mayor Walker also announced that the City of Bowling Green received a \$5,000 cash reward from the U.S. Conference of Mayors for the most cans collected in our population area.

**CITY MANAGER**

City Manager Kevin DeFebbo requested a closed session for the purpose of discussion on the future sale of real property owned by the City as publicity would likely affect the value of a specific piece of property to be sold by the City, and for discussion between the City and a representative of a business entity and discussion concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (g). Mayor Walker called for roll call vote.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay:   None

Motion to convene in closed session pursuant to KRS 61.810 (b) and (g) was approved by unanimous vote. DeFebbo confirmed there was no action expected to follow the discussion.

DeFebbo requested that item numbers 8 and 9 (Municipal Order Nos. 2010 - 20 and 2010 - 21) regarding amendment to the Traffic Feature Map, related to safety revisions, be withdrawn from the agenda. He further stated that the items would return to the agenda for approval at a later date.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting January 19, 2010

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Hamilton to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay:   None

Motion to approve the minutes of the regular meeting of January 19, 2010 was approved by unanimous vote.

**PUBLIC COMMENTS**

Mayor Walker opened the floor for any public comments and there were none.

**REGULAR AGENDA**

**ORDINANCE NO. BG2010 - 6  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.82 ACRES FROM LI (LIGHT INDUSTRIAL) TO HI (HEAVY INDUSTRIAL) LOCATED AT 330 POWER STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY RICHARD FELDMAN**

Title and summary of Ordinance No. BG2010 - 6 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Denning for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                  Voting Nay: None

Ordinance No. BG2010 - 6 was adopted by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 14**

**MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JASON T. SOWDERS TO THE POSITION OF COMPANY COMMANDER/EMT AND ERIC D. SCOTT TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT**

Summary of Municipal Order No. 2010 - 14 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the promotions. Deputy Fire Chief John Weatherbee reviewed the individual qualifications and recommended each promotion. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                  Voting Nay: None

Municipal Order No. 2010 - 14 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 15**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-30 FOR THE PIONEER CEMETERY FENCING MATERIALS FROM SHOOP AND SONS OF DECATUR, ILLINOIS IN THE AMOUNT OF \$36,025**

Summary of Municipal Order No. 2010 - 15 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo remarked that the present Pioneer Cemetery fence was unattractive for the downtown area and in need of improvement. He recommended the bid award based on lowest bid and indicated that the cost for the project would be used from special cemetery funds and staff would be responsible for most of the labor. Comm. Nash asked if the existing fencing material was recyclable and Parks and Recreation Director Ernie Gouvas confirmed that the material would be used at the Fairview Cemetery location. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 15 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 16**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-08 FOR THE AIRPORT FIRE STATION PUMP STATION AND FORCE MAIN FROM SCOTT & RITTER, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$28,585**

Summary of Municipal Order No. 2010 - 16 was read by the Assistant City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recommended the bid award based on lowest bid and explained that building codes required a sanitary sewer system due to the expansion of the fire station facility. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 16 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 17**

**MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T KENTUCKY OF LOUISVILLE, KENTUCKY UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF 911 TELEPHONE EQUIPMENT IN THE AMOUNT OF \$88,884.37**

Summary of Municipal Order No. 2010 - 17 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the purchase of telephone equipment to appropriately equip the new alternate 911 center and upgrade the equipment at Police Headquarters. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 17 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 18

MUNICIPAL ORDER APPROVING A SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN FOR YEAR 6 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM

Summary of Municipal Order No. 2010 - 18 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the amendment to reflect recaptured funds from the final spending in the Transit Weatherization Annex building to include a total of \$35,760 to be reallocated to administration. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Hamilton and Walker  
                          Voting Nay:   None  
                          Abstaining:   Nash

Municipal Order No. 2010 - 18 was approved by majority vote.

MUNICIPAL ORDER NO. 2010 - 19

MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY OF BOWLING GREEN TO RETAIN THE CITY'S PORTION OF THE PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2009 TAX YEAR IN THE AMOUNT OF \$18,333

Summary of Municipal Order No. 2010 - 19 was read by the Assistant City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the request by the Housing Authority to retain these funds for its after school programs. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay:   None

Municipal Order No. 2010 - 19 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 20

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO INSTALLATION OF STOP SIGNS ON BOTH NORTH SUNRISE DRIVE APPROACHES TO THE INTERSECTION OF COVE DRIVE AND WOODWAY STREET

Municipal Order No. 2010 - 20 was previously withdrawn from consideration by the City Manager.

MUNICIPAL ORDER NO. 2010 - 21

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO INSTALLATION OF STOP SIGNS ON BOTH MAIN AVENUE APPROACHES TO THE INTERSECTION OF PARK STREET

Municipal Order No. 2010 - 21 was previously withdrawn from consideration by the City Manager.

**MUNICIPAL ORDER NO. 2010 - 22**

**MUNICIPAL ORDER APPROVING AND AUTHORIZING PAYMENT TO S & R EXCAVATION RELATED TO ROAD IMPROVEMENTS ON THE GREENWOOD LANE REALIGNMENT PROJECT**

Summary of Municipal Order No. 2010 - 22 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed and recommended the payment to S & R Excavation for the work performed on the Greenwood Lane Realignment Project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 22 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 23**

**MUNICIPAL ORDER APPROVING THIRD AMENDMENT TO LEE SQUARE HOUSING PROJECT AGREEMENT AMONG THE CITY OF BOWLING GREEN, HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC. AND LIVE THE DREAM, INC. TO AUTHORIZE THE ADDITION OF THE HOUSING AUTHORITY OF BOWLING GREEN AS A PARTY TO THE AGREEMENT RELATING TO LOTS 18, 19, 25, 26 AND 27**

Summary of Municipal Order No. 2010 - 23 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo explained that after the second amendment was approved at the previous meeting, the Housing Authority requested that lots 18, 19, 25, 26 and 27 be deeded to the Housing Authority rather than Live the Dream. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 23 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 24**

**MUNICIPAL ORDER APPROVING AMENDMENT TO AGREEMENT OF SALE BETWEEN THE CITY OF BOWLING GREEN AND CLAY STREET STATION, LLC**

Summary of Municipal Order No. 2010 - 24 was read by the Assistant City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. City Attorney Gene Harmon provided an overview of the original Agreement of Sale with Hard Ten, LLC,

who later changed its name to Clay Street Station, LLC, related to property purchased by the City located at 130 West 11<sup>th</sup> Avenue (part of the former Nehi facility). He further stated that the property was purchased with Kentucky Economic Opportunity Zone funds for the purpose of resale for economic development. Also, in the initial agreement there was a zero percent loan with the loan being forgivable over a five year period, provided that there were 20 full-time employees employed and retained by the company. Under the agreement, the City's position would be to require repayment of 60% of the original loan since the employment requirement was not met three of the five years. Harmon confirmed that due to the economic downturn, it was recommended to extend the agreement for an additional three years under the same conditions with the reporting period beginning in 2008. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 24 was approved by unanimous vote.

**CLOSED SESSION**

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:25 p.m. in closed session pursuant to KRS 61.810 (b) and (g) as previously approved.

**ADJOURNMENT**

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:00 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk

*Minutes prepared by Assistant City Clerk Ashley Jackson*